

**THE HON'BLE SRI JUSTICE RAMESH
RANGANATHAN**

WRIT PETITION No.25067 of 1996

Dated: 22.01.2007

Between

1. Smt B.Jayamma, alias Vijaya
W/o.Late Sri B.Rajaiah and two others.

...Petitioners

And

1. The Labour Court-III
Hyderabad and another.

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Respondents

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**THE HON'BLE SRI JUSTICE RAMESH
RANGANATHAN**

WRIT PETITION No.25067 of 1996

ORDER:

Aggrieved by the award of the Labour Court in I.D.No.667 of 1992 to the extent the petitioner workman was denied back wages, the present writ petition is filed.

During the pendency of proceedings before the Labour Court, the workman died. While setting aside the order of dismissal dated 01.06.1992, and directing the respondent/employer to treat the workman as having been continued in service till the time of his death, the Labour Court held that the workman was entitled to reinstatement into service with attendant benefits but without back wages and that the petitioners/legal representatives of the workman were entitled to all monetary benefits which would have been given to the late workman. Aggrieved by the award of the Labour Court denying back wages, the present writ petition is filed by the wife and minor children of the deceased workman.

The charges held established against the workman are of rituous and disorderly behaviour. The Labour Court, while holding the charges to be established, denied back wages. Though denial of back wages was ostensibly on the principle of 'No work No pay', it was in fact as a measure of punishment, in exercise of the

powers conferred on the Labour Court under Section 11-A of the Industrial Disputes Actf 1947 (for short 'the Act').

Sri S.Ravindranath, learned counsel for the petitioners, would submit that no challenge has been made by the second respondent against the award. Since the award of the Labour Court has not been challenged by the employer, I deem it appropriate to confirm the award holding that the petitioners herein, who are the legal representatives of the deceased workman, would be entitled to all monetary benefits, which would accrue to the deceased workman on his being directed by the Labour Court to be reinstated into service with continuity of service and with attendant benefits, but without back wages.

Sri S.Ravindranath, learned counsel for the petitioners, would further submit that the second respondent has not paid the terminal benefits due to the deceased workman to the petitioners herein. This Court would not ordinarily, direct payment of amounts due under an award of the Labour Court since the Act itself provides for execution of the Award. However, in the peculiar facts of the present case, where the workman died during the pendency of proceedings and since the employer has not chosen to challenge the award of the Labour Court, I deem it appropriate to direct the second respondent to pay the terminal benefits due to the deceased workman to the petitioners herein, within a period of three months from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of. There

shall be no order as to costs.

Ramesh Ranganathan, J

Date: 22.01.2007
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